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Written statement* submitted by the World Federation of Khoja Shi'a Ithna-Asheri Muslim Communities, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Curtailment of Freedom of Expression and Opinion in Malaysia and Pakistan

The World Federation of Khoja Shi'a Ithna-Asheri Muslim Communities (KSIMC) would like to express its concern with the rise of religious intolerance and its various manifestations across the world. We believe the freedom to practise any faith is central to the freedom of expression. As an International NGO, The World Federation of KSIMC has existed for over thirty years. We are a faith-based organization, consisting of about 150,000 community members worldwide. Alongside serving our constituent members, The World Federation of KSIMC also actively works in the areas of International Relief and Development.

The World Federation of KSIMC unequivocally supports the Universal Declaration of Human Rights and the enshrined principles within the United Nations Declarations and International Law. Article 18 of the 1996 International Covenant on Civil and Political Rights (ICCPR) states, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." It is in that regard, we seek to protect those basic freedoms by bringing to light our concerns on the rise of religious intolerance. We believe the mandate of the Office of the High Commissioner for Human Rights to be pivotal in the protection of minority communities who face restrictions on their freedom of expression by states such as Malaysia, and also by non-state extremist groups in countries such as Pakistan.

As a community of only 150,000 members spread out across the world, we have often been targeted for various reasons, yet our leadership has stood tall at each trial not only enabling our community to thrive past these traumatic events in history but also enabling our fellow human beings and those most oppressed to thrive after such experiences. Our community was built around the mantra of serving humanity, and it is for this reason, Shan-E-Abbas Hassam our Secretary General said, "When religious freedom is curtailed, real people – as well as their families, communities, and countries – pay a price. Whether their names are written on gravestones or their faces stare at us from behind prison bars, we must never forget them." He went on to add, "To this day, I shed a tear when I visit Karachi and see the names of my community members etched on memorial walls and on gravestones simply because of their faith. Yet I am unable to provide an answer to the local community when they ask me when will they see peace."

While prominent academicians, thinkers, and historians have documented the impact of state-led restrictions on religious practices, the events of the last fifteen years have led researchers to examine the impact of non-state actors on religious intolerance. Research carried out by The Pew Research Centre shows that almost 5.1 Billion people reside in countries with high religious restrictions or high social hostilities. Religious restrictions explain state-led restrictions on religious groups, while social hostilities explain the actions of non-state actors or members of civil society who react violently towards religious groups. Within those countries, the majority of the hostilities are directed at minority groups.

An example of a state-led restriction on religious practise can be seen in Malaysia where Shia Muslims are regarded as a 'deviant.' The report published by the United States Department of State highlighted that the Department of Islamic Development Malaysia (JAKIM), established federal guidelines concerning what constitutes 'deviationist' behaviour or belief. With the consent of a Sharia court, the government may arrest and detain members of 'deviationist' groups for 'rehabilitation' to the 'true path of Islam'. As of 2013, eleven out of fourteen Malaysian States have adopted this piece of legislation and empowered Sharia courts within their states to consent to the arrest and detention of members of minority sects.

Over the past several years, Malaysia has expanded efforts to monitor and detain followers of banned sects, most prominently the Shi'a sect. In 2011, Minister of Islamic Affairs Jamil Khir Baharom issued a statement banning the promotion of Shi'ism and pledging government efforts to halt the spread of the Shi'a sect, including by monitoring and controlling preaching and materials. Over the past several years, local Islamic Affairs ministries expanded efforts to halt Shi'a practice. According to Minister Baharom, 16 Shi'a were detained in 2013 on charges of proselytization and local authorities carried out 120 "inspections." Since 2010, over 200 Shi'a followers have been detained, including in Kuala

Lumpur, Selangor province, and Perak province. Generally they are released on bail pending investigations. Several have been charged with spreading Shi'ism and are out on bail awaiting trial.

The World Federation of KSIMC would request all State Parties and the Special Rapporteur on Freedom of Expression and Opinion to:

- Compel the Malaysian government to sign and ratify the 1996 International Covenant on Civil and Political Rights (ICCPR)
- Urge the Malaysian government to cease the arrest of individuals involved in peaceful religious activity, such as the Shi'a, and end government efforts to police religious belief and expression.
- Press the Malaysian government to bring all laws and policies into conformity with international commitments, including on freedom of religion or belief and freedom of expression.
- Encouraging Malaysian elected leaders to address the human rights shortcomings of the parallel civil-Shari'ah justice systems to guarantee that all Malaysians, regardless of ethnicity or religion, can enjoy freedom of religion or belief in line with international standards.

In the last thirty years the rise of social hostilities against religious minorities in Pakistan is a cause of serious concern, as terrorist groups are allowed to operate with impunity in various parts of the country. Extremist groups and their links to political power in recent decades highlight the creation and development of a sectarian struggle that continues to plague Pakistan's civil society until today. Extremists have taken advantage of power vacuums resulting from failure of the central state in extending its authority across Pakistan, and embarked upon the manipulation of individual identities. The protracted conflict Pakistan finds itself in is due to the recreation of these identities by religious structures such as the Madaris, Mosques and the scholars they cultivate.

Since 2013, militants and terrorist organizations targeted Shi'a processions and mosques, as well as social gathering places, with impunity. Particularly large bombings occurred at a pool hall frequented by Shi'a in Quetta in January 2013 and on a busload of Shi'a pilgrims returning from the Islamic Republic of Iran in January 2014. Overall, advocacy organizations put the number of Shi'a killed across Pakistan during the past year at close to 700, with over 1000 wounded. The response by the Pakistani government has been grossly inadequate. Police, if present, have been unwilling to stop attackers before people are killed, and the government has not cracked down on the groups that repeatedly target Shi'a.

Violence against Christians continued. The largest attack against the Christian community in Pakistan's history occurred in September 2013, when Pakistani Taliban suicide bombers attacked the All Saints Church in Peshawar as services were ending, killing 100 individuals. In addition, two large mob attacks against Christian villages in Punjab province occurred in March and April, with over 100 homes destroyed. While the provincial government provided some reparations, few, if any, perpetrators were held to account. In addition, in August 2013, the charges brought against a prayer leader for planting blasphemy evidence against an underage, mentally-handicapped Christian girl in 2012 were dismissed. The Centre for Legal Assistance and Settlement and other groups continue to report kidnappings and forced conversions, such as in January 2014, when a 14-year-old Christian girl was abducted, forcibly converted, and forced to marry.

Pakistan and Afghanistan is home to the Hazara community, who are an ethnic group that have been victimised time and again for their religious beliefs and their ethnic origins. Perpetrators of such violence do not consider the Hazara community as equal citizens of Pakistan; therefore their suffering is far more acute as they face political, economic and social restrictions.

The World Federation of KSIMC urges the Human Rights Council, its member and observer states to support the establishment of an international Commission of Inquiry or similar mechanism to investigate the human rights violations, abuses, war crimes and other violations of international law committed in Pakistan.